

PROPERTY SURVEY

FOR

STEWART INVESTMENTS INC.

LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 1 WEST, UTAH SPECIAL MERIDIAN

LEGAL DESCRIPTIONS:

Parcel #5 - Owned by Stewart Investments Inc. Beginning at a point located 1437.99 feet South and 1037.94 feet West of the East quarter corner of Section 21, Township 2 South, Range 1 West, Utah Special Base & Meridian; said point being the Northwest property corner of the Nile Chapman property; thence along the West line of said property South 0°10' East 300.00 feet to the Southwest corner of said property South 89°46'42" East 300.00 feet to the Southeast corner of said property; thence South 0°10' East 40.0 feet; thence North 89°46'42" West 100.0 feet; thence South 0°10' East 219.97 feet; thence North 89°45'55" West 400.0 feet; said line is along the South wall line of the first construction phase of an existing grocery store; thence North 0°10' West 444.68 feet to the South right of way line of Highway 40; thence along said right of way North 60°11' East 230.13 feet to the point of beginning. (As recited in the Warranty Deed from Theodore to Stewart Investments Inc., recorded October 13, 1989 in Book A-185, Page 123-125).

Parcel #4 - Owned by Stewart Investments Inc. Beginning at a point located 1437.99 feet South and 1037.94 feet West and South 60°11' West 230.13 feet and South 0°10' East 444.68 feet of the East Quarter corner of Section 21, Township 2 South, Range 1 West, Utah Special Base and Meridian, thence South 89°45'55" East 400.0 feet; said line is along the South wall line of the first construction phase of an existing grocery store; thence South 0°10' East 80.03 feet; thence North 89°46'42" West 400.0 feet; thence North 0°10' West 80.12 feet to the point of beginning. (32,030 sq. ft. - 0.735 ac). (As recited in the Warranty Deed from Theodore to Stewart Investments Inc., recorded December 31, 1990 in Book A-195, Page 663-664).

Parcel #6 - Owned by Stewart Investments Inc. A parcel of land, being a part of an entire tract of land, situated in the SE1/4SE1/4 of Section 21, T. 2 S., R. 1 W., U.S.M. The boundaries of said parcel of land are described as follows: Beginning at the intersection of the westerly boundary line of Stewart Investments Inc. property and the Southerly Highway Right of Way of U.S. Highway 40, which is 1402.87 feet, more or less, East and 1095.85 feet, more or less North from the South Quarter corner of said Section 21. Thence S. 0°10'00" E. 526.62 feet, more or less along the westerly boundary line of said Stewart Investment Inc. property to the Southwesterly corner of said property; thence N. 89°46'42" W. 20.01 feet, more or less; thence N. 0°19'06" W. 402.69 feet to the point of tangency of a 178.00-foot radius curve to the left; thence Northerly 92.53 feet along the arc of said curve; thence N. 30°06'09" W. 9.23 feet, more or less, to the said Southerly Highway Right of Way line; thence N. 60°48'00" E. 56.53 feet, more or less, along said Highway Right of Way line to the point of Beginning. The above described parcel of land contains 11874 sq. ft. in area, or 0.27 acre. (As recited in the Quit Claim Deed from Roosevelt City Corporation to Stewart Investments Inc., recorded March 31, 2000 in Book A-332, Page 340-341).

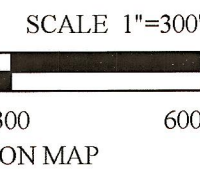
New parcel to be acquired by Stewart Investments Inc. Township 2 South, Range 1 West, Utah Special Meridian, Section 21: Beginning at a point that is S 31°09'44" W 2427.40' from the East quarter corner of said Section 21, the quarter corner is marked by a brass cap with a ring and lid cover in State Street, said beginning point is at the Southwest property corner of Stewart Investments Inc., as described in that certain Quit Claim Deed recorded in Book A-332, Page 340-341; thence S 89°46'42" E 420.01' along the South property line of said Stewart Investments Inc., thence N 0°07'10"00" W 83.39' along the East line of said property to the Easterly extension of the South wall line of the first construction phase of Stewart's building; thence S 89°45'55" E 97.99' to the West line of that certain street dedicated by ordinance No. 81-122, recorded in Book A-79, Page 780; thence S 0°07'10"00" E 156.03' along the West line of said street; thence N 89°46'42" W 517.81'; thence N 60°19'06" W 72.66' to the Point of Beginning, containing 1.05 acres, the Basis of Bearings is along the East line of the Southeast quarter of said Section 21, that bearing being South 00°10'00" East. This parcel is delineated by that certain Survey conducted by Registered Surveyors Corporation of Duchesne in behalf of Stewart Investments Inc., and is on file with the Duchesne County Surveyor.

RANGE 1 WEST

TOWNSHIP 2 SOUTH

SOUTHEAST QUARTER SECTION 21

RANGE 1 WEST



SURVEYOR'S NARRATIVE

I was contacted by Chad Peatross of Valley Builders to perform a survey that would describe a parcel of land South of the existing building of Stewart's Market place, to make room for a proposed addition to the store. Research revealed that the existing property of Stewart Investments Inc., and all surrounding adjoining parcels are the product of sequential conveyancing. There are currently three deeds, or parcels that make up the full property of Stewart Investments Inc. The source parcel for all adjoining properties was owned by Roosevelt City as shown on that Quitclaim Deed recorded in Book 16, on Page 617, recorded on May 6, 1941. The first parcel split out was to Nile Chapman as noted in the drawing hereon. That partition was the product of a survey conducted by Utah Engineering and Land Surveying of Vernal Utah in the late 1960s according to Larry Kay, one of the company owners, though the deed was not executed until 1979. No remaining evidence could be found around the property from that survey such as markers or related improvements erected shortly after the survey work. According to Nile Chapman, the concrete parking area near his South and West boundaries did not exist at the time, and the chainlink fence currently in place was not erected until the late 1980s.

Parcel #2 is the Street to the East dedicated by Ordinance by Roosevelt City in 1981. Its West line is the East boundary line of the proposed parcel for the building expansion. The descriptions to Parcels 3 & 4 now owned by Stewart Investments Inc., are different from the two original deeded descriptions from Roosevelt City to Theodore, Stewart's immediate predecessor in title. These two parcels have the same exterior metes & bounds descriptions when put together, but the common dividing line between them had been changed in the last conveyance by about 10 feet, in an effort to match the South building face of the first construction phase of the store, by inserting a call to that building face in the deeds to Stewart's. The call for the South building face puts a superior deed element into play that common law says over rules bearings and distances, if in conflict. Such is the case here, the building sits about 3.36 feet North of where the bearings and distances would place it. This would also pull the South boundary line, deeded from Theodore to Stewart North the same amount, leaving Theodore with a long narrow strip of land remaining along the South line. But another common law principle applies which states: it is not to be presumed that the grantor intended to retain a lone narrow strip of land along one of his outside boundaries. Also, if there is more than one way to interpret the writings that it be construed against the grantor (Theodore), and placed in favor of the grantee (Stewart). Construing the intent against the grantor would render more area to the grantee, which in this case would be the possible strip of land. With these principles in mind I believe that the two farthest South deeded lines of Theodore and Stewart were intended to be one and the same.

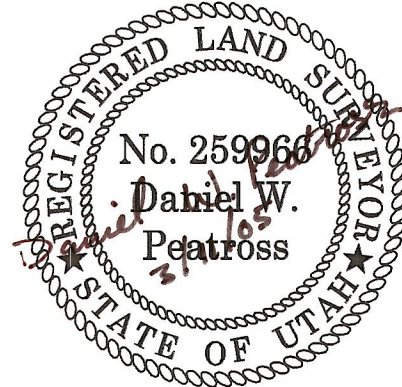
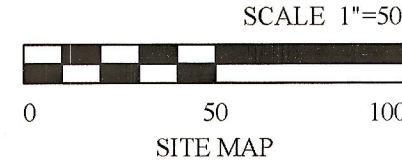
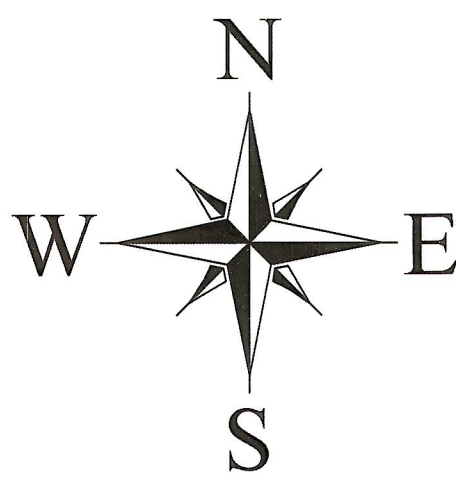
Research indicates that the property around the store was surveyed and described before the store and other improvements were built. Attachment "B" in the deed from Roosevelt City to Theodore, recorded on January 23, 1985 (see Book A-125, Pages 107-109), is a copy of a survey by Horrocks Engineers indicating these facts, by showing a different building shape and position on the property than that which currently exists. The descriptions in the deeds from Theodore to Stewart in 1989 & 1990 appear to be based upon data from another survey which may have followed the building and concrete parking areas after their construction. The author of that survey has not been identified. Both sets of descriptions for Theodore and Stewart as mentioned harmonize in their exterior lines when only the bearings and distances are considered. It is noticeable also that these deeded lines run parallel to the edges of the concrete parking areas along the East boundary line, and also the South building lines, but at an almost constant offset of 7.6' to the Southeast. But sliding the plotted deed to match these physical features would cause other inconsistencies, such as the concrete parking area of Chapman's property which lays to the North, and then leaving a gap between them along Chapman's West side. The building and concrete parking area maybe where the lines of those surveys were run, but I have not been able to find any witness evidence to support it. I have chosen to hold to the bearings and distances of both sets of descriptions to Theodore and Stewart as the best available evidence of the original boundary lines.

In this survey it appears that Highway 40 lays at a slight skew from the previous surveys. There are two basis of bearings, one for parcels 1 - 5, and the other for the source parcel owned by Roosevelt City and for parcel 6. This is evidenced by two different bearings shown along the South line of U.S. Highway 40. However, since original monuments control and show the true intent of the conveyance, I have determined the location of Highway 40 from the one remaining right of way marker and the physical alignment of the highway itself. As a result of these findings, the plotted deed lines appear to merge into the highway right of way toward the East, which according to this survey the Point of Beginning for parcel 3 lays in the right of way about 1.94', and is South of the right of way 0.06' at the Northwest corner of that deed. However, as called for in each deed the boundary line is to go to and follow along the right of way, which is also a senior right over all the parcels including the source parcel.

The basis of bearings for this survey is along the East line of the Southeast quarter of the Southeast quarter of Section 21, being S 00°10'00" E, which is also the apparent basis of bearings for parcels 1 - 5, as indicated within the writings of those deeds.

SURVEYOR'S CERTIFICATE

I, Daniel W. Peatross, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 259966, as prescribed by the laws of the State of Utah. I further certify that I have made a survey of the tract of land as shown on this plat, and that the same is correct and true to the best of my knowledge and belief.



- SECTION CORNERS LOCATED
- SECTION CORNERS SEARCHED FOR, NOT FOUND, USED DATA FROM PREVIOUS SURVEYS
- SET 5/8" REBAR WITH ALUMINUM CAP
- DEED & RIGHT OF WAY LINES
- BOUNDARY LINES
- EXISTING FENCE LINES
- BUILDING, CONCRETE, PAVEMENT LINES
- TENTATIVE BUILDING AND PARKING AREA EXPANSION
- IDENTIFYING PARCEL NUMBER ON SECTION MAP

REGISTERED SURVEYORS CORP.

61 EAST 300 NORTH, P.O. BOX 564, DUCHESNE, UTAH 84021 (435) 738-2718

DATE RESEARCHED: APRIL 4, 2003	RESEARCHED BY: D. PEATROSS	PROJECT No.: 03008
DATE SURVEYED: APRIL 15, 2003	SURVEYED BY: D. PEATROSS	

BRUCE PEATROSS
TECHNICAL DRAFTING SERVICES

P.O. BOX 633, DUCHESNE, UTAH 84021 (435) 738-2089

DATE DRAFTED: APRIL - MAY, 2003	DRAFTED BY: D. PEATROSS, B. PEATROSS	DATE PLOTTED: Friday 3/11/5
SHEET: 1 OF 2	FILE NAME: STEWARTSI	

County Surveyors File # 15271